APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,416	08/31/2001	Ian Moir	085710.P046	2727

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EXAMINER
TRAN, NGHI V

ART UNIT	PAPER NUMBER
2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/945,416	MOIR, IAN
	Examiner	Art Unit	
	Nghi V. Tran	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*26 September 2005*</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-15 and 30-42* is/are pending in the application.

    4a) Of the above claim(s) *31-42* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-15 and 30* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) *1-15 and 30-42* are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 20051227

DETAILED ACTION

Election/Restrictions

1.   Newly submitted claims 31-42 directed to an invention that is independent or

distinct from the invention originally claimed for the following reasons: New claims 31-42

are drawn a method of pre-compiling configuration at a virtual machine compiler.

However, the original claims 1-30 are drawn a method to pre-compile configuration

without a virtual machine compiler.

2.   Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claims 31-42 withdrawn from consideration as

being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 1-6, 9-10, 12, 14-15 and 30 are rejected under 35 U.S.C. 102(e) as being

anticipated by Hawkinson, U.S. Patent No. 6,295,532.

5.   With respect to claims 1 and 30, Hawkinson teaches a method to pre-compile

configuration information for a network connection device [see abstract and figs.1-4],

the method including:

- receiving a rule file [334 i.e. policy definition] defining behavioral requirements

  for the network connection device [fig.4];

- receiving an operations file [332 i.e. class definition] describing operations

  supported by a plurality of components of the network connection device

  [fig.4]; and

- generating a rule program [222 i.e. resource manager], executable by the

  network connection device [fig.4], utilizing the rule file [i.e. policy] and the

  operations file [i.e. class], wherein the rule program comprises a set of

  operations [col.7, lns.8-67], selected from operations supported by the

  plurality of components of the network connection device [i.e. VCC, PCR,

  SCR, MCR, MBS...], for performance by the respective components of the

  network connection device in accordance with the behavioral requirements

  defined by the rule file [figs.2&4].

6.   With respect to claim 2, Hawkinson further teaches the rule file comprises a

decision tree structure [fig.5B].

7.   With respect to claim 3, Hawkinson further teaches the rule file comprises a

sequence of operations defined as IF THEN ELSE statements [steps 502, 508, 512 of

fig.5B].

8.   With respect to claim 4, Hawkinson further teaches the rule file comprises a text

file [334 i.e. policy definition table].

9.   With respect to claim 5, Hawkinson further teaches the operations file includes a

plurality of sections [i.e. VCC, PCR, SCR, MCR, MBS...], each section of the plurality of

sections describing operations supported by a corresponding component of the plurality

of components [col.7, lns.8-67].

10.   With respect to claim 6, Hawkinson further teaches the operations file specifies at

least one process to identify a behavior and at least one context to identify a data

environment to support execution of the rule program [col.6, ln.35 - col.7, ln.67].

11.   With respect to claim 9, Hawkinson further teaches the set of operations that

comprise the rule program include configuration operations that determine functioning

the plurality of components of the network connection device [col.8, lns1-67].

12.   With respect to claim 10, Hawkinson further teaches the rule program links an

operation of a component to a contextualized set of data [col.7, lns.10-45 and col.11,

ln.5 - col.12, ln.64].

13.   With respect to claim 12, Hawkinson further teaches at least a portion of the rule

program is dedicated to a specific process and context, and wherein the generating of

the rule program includes performing a check to determine whether a component and

an operation associated with the portion of the rule program are compatible with a

declared process and context of the portion of the rule program [col.16, lns.15-67].

14.   With respect to claim 14, Hawkinson further teaches executing the rule program

utilizing the plurality of components of the network connection device [figs.1&4].

15.   With respect to claim 15, Hawkinson further teaches each component of the

plurality of components of the network connection device registers at least one

operation, and the method includes performing a consistency check between the set of

operations and the operations registered by the plurality of components [col.7, ln.8 -

col.8, ln.58].

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17.   Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkinson as applied to claims 1 and 16 above, and further in view of Whitehead et al., U.S. Patent No. 6,085,030 (hereinafter Whitehead).

18.   With respect to claim 7, Hawkinson is silent on the rule program is compiled as a binary object.

In a communication method, Whitehead discloses the rule program is compiled as a binary object [col.2, lns.13-26].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hawkinson in view of Whitehead by compiling the rule program as a binary object because this feature enables dynamically distributed to the reference and interfaces [Whitehead, col.2, lns.29-31]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Hawkinson in view of Whitehead in order to increase the flexibility and universal.

19.   With respect to claim 8, Hawkinson is silent on the compiled binary object comprises an instruction sequence to be executed by a virtual machine hosted by the network connection device.

In a communication method, Hawkinson further discloses the compiled binary object comprises an instruction sequence to be executed by a virtual machine hosted by the network connection device [col.2, lns.13-26].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hawkinson in view of Whitehead by executing the binary object by a virtual machine because this feature enables dynamically distributed to the reference and interfaces [Whitehead, col.2, lns.29-31]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Hawkinson in view of Whitehead in order to increase the flexibility and universal.

20.   Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkinson as applied to claims 1 and 16 above, and further in view of Alles et al., U.S. Patent No. 6,466,976 (hereinafter Alles).

21.   With respect to claim 11, Hawkinson is silent on the rule program is authenticated by an authentication authority.

In a communication method, Alles discloses the rule program is authenticated by an authentication authority [col.8, lns.4-37 and col.10, lns.17-56 i.e. AAA server].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hawkinson in view of Alles by adding an authentication authority because this feature enables subscriber equipment to be

implemented with less complexity, and thus to provide easier management and lower

cost [Alles, col.7, lns.35-41]. It is for this reason that one of ordinary skill in the art at the

time of the invention would have been motivated to modify Hawkinson in view of Alles in

order to specify firewall parameters, security for specified conversations [Alles, col.7,

lns.51-61].

22.   With respect to claim 13, Hawkinson is silent on the generating of the rule

program includes compiling the rule program and loading the rule program into the

network connection device in a manner independent of a run-time management

program.

In a communication method, the generating of the rule program includes

compiling the rule program and loading the rule program into the network connection

device in a manner independent of a run-time management program [col.2, lns.44-54

and col.7, ln.35 - col.8, ln.64].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Hawkinson in view of Alles by compiling the

rule program and loading the rule program into the network connection device in a

manner independent of a run-time management program because this feature can be

provided for dynamic generation of processing rules [col.8, lns.16-17]. It is for this

reason that one of ordinary skill in the art at the time of the invention would have been

motivated to modify Hawkinson in view of Alles in order to be generated dynamically to

implement the specified service policies for each subscriber [Alles, see abstract].

Response to Arguments

23.   Applicant's arguments filed September 26, 2005 have been fully considered but

they are not persuasive because of the following reasons: Hawkinson teaches a

method to pre-compile configuration information for a network connection device [see

abstract and figs.1-4], the method including: receiving a rule file [334 i.e. policy

definition] defining behavioral requirements for the network connection device [fig.4];

receiving an operations file [332 i.e. class definition] describing operations supported by

a plurality of components of the network connection device [fig.4]; and generating a rule

program [222 i.e. resource manager], executable by the network connection device

[fig.4], utilizing the rule file [i.e. policy] and the operations file [i.e. class], wherein the

rule program comprises a set of operations [col.7, lns.8-67], selected from operations

supported by the plurality of components of the network connection device [i.e. VCC,

PCR, SCR, MCR, MBS...], for performance by the respective components of the

network connection device in accordance with the behavioral requirements defined by

the rule file [figs.2&4].

24.   In response to Applicant's argument that the policy definition table 334 is not

equivalent to the rule file 64 of claim. According to MPEP section 2111, "reading a

claim in light of the specification, to thereby interpret limitations explicitly recited in the

claim, is a quite different thing from reading limitations of the specification into a claim,

to thereby narrow the scope of the claim by implicitly adding disclosed limitations which

have no express basis in the claim." Further, Hawkinson clearly teaches policy

definition table [col.13, lns.60-67]. Therefore, the policy definition table is equivalent to

the rule file of claim.

25.   In response to Applicant's argument that Hawkinson fails to teach a network

connection device. Hawkinson clearly teaches ATM cells. Therefore, Hawkinson

suggests a network device.

26.   In response to Applicant's argument that the class definition table is not

equivalent to the operation file of claim. According to MPEP section 2111, "reading a

claim in light of the specification, to thereby interpret limitations explicitly recited in the

claim, is a quite different thing from reading limitations of the specification into a claim,

to thereby narrow the scope of the claim by implicitly adding disclosed limitations which

have no express basis in the claim." For example, Hawkinson suggests or discloses

class definitions (i.e. operation file) include resource requirements (e.g. bandwidth, peak

rate limits, buffer delay, and jitter) [col.6, lns.53-65].

Conclusion

27.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

28.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-

4067. The examiner can normally be reached on Monday-Friday.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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